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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF ENVIRONMENTAL PROTECTION

333 W. Nye Lane, Room 138
Carson City, Nevada 89706

January 29, 2003

E. Frank Di Sanza, Director
Waste Management Division
National Nuclear Security Administration
Nevada Operations Office
P.O. Box 98518
Las Vegas, NV 89193-8518

RE: Waste Determination on Rocky Flats Environmental Technology Site Gloveboxes

Dear Mr. Di Sanza:

The Nevada Division of Environmental Protection, Bureau of Federal Facilities (NDEP), has completed reviewing all the material submitted regarding the glovebox waste stream containing Los Alamos leaded glass windows generated at the Rocky Flats Environmental Technology Site (RFETS).

The NDEP review has determined that the Rocky Flats Cleanup Agreement Standard Operating Protocol (RSOP) for Facility Component Removal, Size Reduction, and Decontamination Activities, has been modified to state that gloveboxes containing Los Alamos leaded glass windows are not automatically a hazardous waste when destined for disposal. This determination only applies to gloveboxes characterized in accordance with the non-hazardous waste determination approved by the Colorado Department of Public Health and Environment (CDPHE). NDEP acknowledges that CDPHE and EPA Region 8 have agreed to these changes in the RSOP.

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NDEP concurs with the CDPHE determinations that the gloveboxes from RFETS containing Los Alamos leaded glass windows are not a hazardous waste as long as they are not contaminated with a listed waste. In concurring with the determination, NDEP viewed the leaded glass windows to be an integral part of the glovebox that are not readily removable. As such, the gloveboxes may be analyzed as one unit. The gloveboxes do not fail TCLP for characteristic lead based on RFETS analysis as presented in their letter dated September 25, 2001 to CDPHE (Berardini to Dowsett). The gloveboxes therefore do not meet the definition of a being a characteristic hazardous waste (40 CFR 261.3(a)(2)(i)).

The RFETS gloveboxes can be land disposed as low-level radioactive waste at the Nevada Test Site, provided the waste meets all remaining applicable NTS Waste Acceptance Criteria and would not be characterized as hazardous for any other reason.

Please be advised that this determination applies solely to the glovebox waste stream containing Los Alamos leaded glass windows generated at RFETS, and that future waste determinations of this nature will be made on a case-by-case basis.

The RFETS letter to CDPHE dated November 29, 2001 (Berardini to Dowsett) discusses the intent of EPA with respect to radioactive lead solids. The definition of debris specifically prohibits radioactive lead solids from being classified as debris. NDEP did not address the merits of this argument due to the fact that the gloveboxes are not a hazardous waste and therefore cannot be a radioactive lead solid (in order for lead to be classified as a radioactive lead solid under RCRA, the material must first be a hazardous waste).

If you have any questions regarding this matter, please contact Don Elle at (702) 486-2874, or Bryan Trimberger at (775) 687-9394, or myself at (775) 687-9388.

Sincerely,

Paul J. Liebendorfer, P.E.,
Chief
Bureau of Federal Facilities

PJL/KKB/BRT/DRE/JAW/cb

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